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STANLEY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION

JASON ZAJONC and DENNIS FOWLER,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

MORGAN STANLEY & CO. LLC, f/k/a
Morgan Stanley & Co. Incorporated,
MORGAN STANLEY SMITH BARNEY
LLC, and MORGAN STANLEY,

Defendants.

Case No. 4:14-cv-05563-EMC

**SUPPLEMENTAL DECLARATION OF
PATRICIA KENNEALLY IN SUPPORT
OF DEFENDANTS MORGAN
STANLEY & CO. LLC, MORGAN
STANLEY SMITH BARNEY LLC, AND
MORGAN STANLEY'S PORTION OF
SEPTEMBER 2, 2015 JOINT
DISCOVERY LETTER**

Complaint Filed: December 19, 2014
FAC Filed: August 7, 2015

1 I, Patricia Kenneally, declare as follows:

2 1. I am employed by Morgan Stanley Smith Barney as a Paralegal in its Legal
3 Department. I make this supplemental declaration in support of Defendants' Portion of the
4 September 2, 2015 Joint Discovery Letter. As a result of my position, I know the following facts
5 to be true of my own personal knowledge or upon information and belief, and could and would
6 competently testify to the truth thereof if called as a witness.

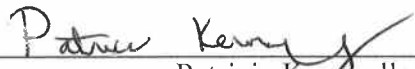
7 2. One of my job duties is to assist with the collection of data and documents for
8 litigation. Because of my experience in performing that duty, I am aware of the process and time
9 involved in collecting human resources-related records.

10 3. I understand that Plaintiffs also seek training records from Morgan Stanley's
11 KnowledgeLink system for putative class members for the period of December 19, 2010 to the
12 present. The KnowledgeLink records would only show the initial access (date and time) and the
13 last access (date and time), and not any intermediate log-in and log-out access information. The
14 KnowledgeLink records may not accurately reflect time logged by a putative class member in a
15 given course. Morgan Stanley does not actively track whether employees regularly log in and out
16 of their courses or whether they are engaged in other activities while the course is running.

17 4. A separate query must be built and run to produce customized learning records
18 tailored to the dates each putative class member was in the pre-production training phase for
19 financial advisors. This is also a manual process that must be conducted for each individual
20 putative class member. It is my understanding that it takes about an hour to run a basic and
21 customized KnowledgeLink report for each individual. That time estimate can increase due to
22 system performance and data consistency issues.

23 I declare under penalty of perjury under the laws of the United States of America that the
24 foregoing is true and correct.

25 Executed this 22nd day of September, 2015 in Purchase, New York.

26 
27 Patricia Kenneally
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